
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: 8:23-cv-00635-FWS-JDE

Date: April 28, 2023

Title: Lenore Albert v. Roxanne Gonzalez *et al.*

Present: **HONORABLE FRED W. SLAUGHTER, UNITED STATES DISTRICT JUDGE**

Melissa H. Kunig
Deputy Clerk

N/A
Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

PROCEEDINGS (IN CHAMBERS) ORDER TO SHOW CAUSE RE: VENUE

I. Background

On April 12, 2023, Plaintiff Lenore Albert (“Plaintiff”) filed this action in the Central District of California, challenging the constitutionality of one of the Local Rules of the Eastern District of California (“Eastern District”). (*See generally* Dkt. 1 (“Compl.”).) Plaintiff brings this action against Defendant Roxanne Gonzalez (“Defendant”), a clerk in the Eastern District, based on a change in Plaintiff’s status as an attorney in good standing to practice in the Eastern District from “active” to “inactive” on or before March 3, 2021. (*Id.* ¶¶ 3, 6-8.) The Complaint alleges Defendant effectuated the change in Plaintiff’s status under Eastern District Local Rules 180 and 184.¹ (*Id.* ¶ 11.) It appears from the Complaint that Plaintiff was “ineligible to practice law on the California State Bar website on or about March 1, 2021,” but that there was no “judge ordered reciprocal suspension” against Plaintiff in the Eastern District. (*See id.* ¶ 10.) The Complaint asserts that, because Plaintiff was not given notice or an opportunity for a hearing prior to her change in status, these Local Rules are incompatible with federal law. (*See id.* ¶¶ 13, 15.) In addition to pleading two counts for declaratory relief, the Complaint brings

¹ Local Rule 180 pertains to attorney admissions to practice before the Eastern District and Local Rule 184 relates to disciplinary proceedings brought against attorneys. *See* E.D. Cal. L.R. 180, 184.

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causes of action for “violation of civil rights” and under Cal. Bus. & Prof. § 17200, *et seq.* (*See id.* ¶¶ 20-59.)

II. Discussion

A district court may dismiss a complaint *sua sponte* for improper venue before a responsive pleading is filed. *Costlow v. Weeks*, 790 F.2d 1486, 1488 (9th Cir.1986); *Zhu v. Whinery*, 109 F. App’x 137, 138 (9th Cir. 2004). 28 U.S.C. § 1391(a) governs “the venue of all civil actions brought in district courts of the United States.” *Id.* Under § 1391(b), venue is appropriate in:

- (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;
- (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or
- (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.

Id.

Here, the Complaint’s allegations indicate venue may not be proper in this District. Per the Complaint, Defendant is employed by the Eastern District, and the Complaint does not otherwise allege or suggest Defendant resides in this judicial district. A substantial amount of, if not all, facts that form the basis of the Complaint’s claims relate to events occurring during the administration of the Eastern District as they relate to the change in Plaintiff’s status to practice law before courts in the Eastern District. Accordingly, it appears venue under § 1391(b)(1) and (2) is proper in the Eastern District, not in this District.

Therefore, based on the state of the record, as applied to the applicable law, the court **ORDERS** Plaintiff to show cause why this case should not be dismissed or transferred to the

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Eastern District of California based on improper venue within **fourteen (14)** days of this Order. Failure to adequately comply with the court's order may result in dismissal of the case. *See* Fed. R. Civ. P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626, 629 (1962).

IT IS SO ORDERED.

Initials of Deputy Clerk: mku